

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2007 OCT 10 AM 10:21

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector Miguel BAHENA-Dominguez,

Defendant(s)

Magistrate Case No. 07 MJ 24 19
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


BY COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **October 8, 2007**, within the Southern District of California, defendant **Hector Miguel BAHENA-Dominguez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Octovio ROMERO-Saravia, Froylan MORENO-Castro, Juan PEREZ-Ochoa** and had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF OCTOBER,
2007


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Hector Miguel BAHENA-Dominguez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Octovio ROMERO-Saravia, Froylan MORENO-Castro, and Juan PEREZ-Ochoa** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 8, 2007, members of the Smuggling Interdiction Unit were conducting operations in plain clothes and driving unmarked Bureau vehicles near Pine Valley, California. This area is located approximately twelve miles north and ten miles west of the Tecate, California Port of Entry.

At approximately 8:00 P.M., Senior Patrol Agent S. Lowe was in a stationary position on a westbound off ramp of I-8 to Pine Valley. Agent Lowe observed a large four door sedan travel north on Pine Valley Road towards Pine Valley. The vehicle then made a left hand turn to enter the westbound lanes of I-8. Agent Lowe advised Senior Patrol Agent B. Wakefield and Supervisory Border Patrol Agent S. Wilson of his observations; all agents began a mobile surveillance of the vehicle. Agent Lowe observed the rear suspension of the vehicle was lowered, and the vehicle swayed heavily indicating the vehicle contained a heavy load.

Agent Lowe ran the vehicle license plate through Sector Dispatch; the vehicle came back to an address in Rowland, California. Agents followed the vehicle to the Viejas Casino; agents observed the driver later identified as the defendant **Hector Miguel BAHENA-Dominguez** drive around Viejas Casino. The defendant exited the parking lot and began driving west on Willows towards I-8. As the defendant got close to the interstate, Agent Wilson activated his vehicle's emergency equipment at this location because there was ample space for the defendant to pull over. The defendant turned on Old Highway 80 at which time he accelerated away from Agent Wilson. Agent Wilson terminated the pursuit and notified other agents of his actions. Agents Wakefield and Lowe were in the area; Agent Wakefield was able to observe the defendant open the door and travel for a short distance with his foot hanging out the door. Agent Wakefield was able to clearly identify the driver as occupants and the defendant fled the vehicle. Six individuals including the defendant were apprehended. The six individuals were questioned regarding their citizenship and immigration status. Each individual claimed to be citizens and nationals of Mexico not in possession of immigration documents allowing them to enter or remain in the United States lawfully. The five smuggled aliens were transported separately from the defendant to the El Cajon Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:
Hector Miguel BAHENA-Dominguez

MATERIAL WITNESSES STATEMENTS:

Octovio ROMERO-Saravia stated that he was born on December 24, 1980 in Mazatlan, Sinaloa, Mexico. ROMERO is a citizen and national of Mexico. ROMERO's parents are citizens and nationals of Mexico. ROMERO does not possess immigration documents allowing him to enter, or remain, in the United States legally. ROMERO's parents do not possess immigration documents allowing them to enter, or remain, in the United States legally. ROMERO stated that he entered illegally into the U.S. within a group of six people and a foot guide. ROMERO agreed to pay approximately \$1800.00 to be smuggled to Los Angeles, CA.

Juan PEREZ-Ochoa stated that he was born on September 21, 1982 in Guanajuato, Mexico. PEREZ is a citizen and national of Mexico. PEREZ parents are citizens and nationals of Mexico. PEREZ does not possess immigration documents allowing him to enter, or remain, in the United States legally. PEREZ agreed to pay approximately \$2000.00 to be smuggled to Los Angeles, CA.

Froylan MORENO-Castro stated that he was born on January 1, 1981 in Veracruz, Veracruz, Mexico. MORENO is a citizen and national of Mexico and MORENO's parents are citizens and nationals of Mexico. MORENO does not possess immigration documents allowing him to enter, or remain, in the United States legally. MORENO's parents do not possess immigration documents allowing them to enter, or remain, in the United States legally. MORENO was to pay approximately \$1800.00 to be smuggled to San Diego, CA. MORENO was presented with a photographic line-up. MORENO identified photograph #4 as the driver of the vehicle that picked him up near the large highway. Photograph number four is a photograph of the defendant Hector Miguel BAHENA-Dominguez.